

CLOSED, MAG

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10288-RWZ-1**

Case title: USA v. Espinola et al
Magistrate judge case number: 1:04-mj-01809-CBS

Date Filed: 09/22/2004
Date Terminated: 08/15/2006

Assigned to: Judge Rya W. Zobel
Appeals court case number: 06-2340
First Circuit

Defendant (1)

Carlos Espinola
TERMINATED: 08/15/2006

represented by **Bradford E. Keene**
Keene & Gizzi PC
22 Broadway
Suite 402
Lynnfield, MA 01940
781-346-6500
Fax: 781-346-6355
Email: bkmogul@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

21:846 Conspiracy to Possess with
Intent to Distribute, and to Distribute,
Oxycodone
(1)

Disposition

The defendant was sentenced to 148
months BOP; 3 Years SR; SA \$100.00;
no fine; Standard Conditions; no
firearms; submit DNA; SC; drug testing
& counseling; mental health treatment;
Recommendations: Allenwood; and the
500 Hour Drug Treatment Program;

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

21:846 and 841(a)(1) - DID
KNOWINGLY AND
INTENTIONALLY CONSPIRE TO
DISTRIBUTE OXYCODONE, A
SCHEDULE II CONTROLLED
SUBSTANCE, AND DID
KNOWINGLY AND
INTENTIONALLY DISTRIBUTE
OXYCODONE, A SCHEDULE II
CONTROLLED SUBSTANCE ON
THE DATES AND IN THE PLACES
LISTED IN THIS COMPLAINT


Disposition

Plaintiff

USA

represented by **David G. Tobin**
United States Attorneys Office
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3392
Fax: 617-748-3965
Email: David.Tobin@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Pelgro
Foley Hoag LLP
155 Seaport Blvd
Boston, MA 02210
617-832-1181
Fax: 617-832-7000
Email: mpelgro@foleyhoag.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/29/2004	 1	SEALED COMPLAINT as to Carlos Espinola (1), Jose Melo (2), Joseph Baldassano (3), Matthew Cream (4), Jason Matthews (5), Joseph Allen (6), Keith Behsman (7), Jonathan Mitchell (8), James Gardner (9), Philip Albert Jr. (10), Jared Knowlton (11), Archi[1:04bald Macleod (12), Giuseppe Torrente (13). (Catino3, Theresa)[1:04-mj-01809-CBS] (Entered: 06/30/2004)

06/29/2004	32	AFFIDAVIT of Steven C. Story by USA as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torri[1:04ente 1 Complaint (Sealed), filed. (Catino3, Theresa)[1:04-mj-01809-CBS] (Entered: 06/30/2004)
06/29/2004	33	MOTION to Seal Case as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente by USA., f[1:04iled. (Catino3, Theresa)[1:04-mj-01809-CBS] (Entered: 06/30/2004)
06/29/2004	34	Judge Charles B. Swartwood : Electronic ORDER entered granting 3 Motion to Seal Case as to Carlos Espinola (1), Jose Melo (2), Joseph Baldassano (3), Matthew Cream (4), Jason Matthews (5), Joseph Allen (6), Keith Behsman (7), Jonathan Mitchell (8),[1:04 James Gardner (9), Philip Albert Jr. (10), Jared Knowlton (11), Archibald Macleod (12), Giuseppe Torrente (13) (Catino3, Theresa)[1:04-mj-01809-CBS] (Entered: 06/30/2004)
06/29/2004	35	Arrest Warrant Issued as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente. (Catino3[1:04, Theresa)[1:04-mj-01809-CBS] (Entered: 06/30/2004)
06/30/2004	36	MOTION to Unseal Case as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente by USA. [1:04 (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/02/2004)
06/30/2004	37	Judge Charles B. Swartwood : Electronic ORDER entered granting 4 Motion to Unseal Case as to Carlos Espinola (1), Jose Melo (2), Joseph Baldassano (3), Matthew Cream (4), Jason Matthews (5), Joseph Allen (6), Keith Behsman (7), Jonathan Mitchell (8[1:04), James Gardner (9), Philip Albert Jr. (10), Jared Knowlton (11), Archibald Macleod (12), Giuseppe Torrente (13). "ALLOWED." cc/cl (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/02/2004)
06/30/2004	38	Arrest of Carlos Espinola (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/02/2004)
06/30/2004	39	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Carlos Espinola held on 6/30/2004. Case called, AUSA Pelgro, PTS Cronin & Dft--without counsel appear, Defendant advised of rights and in[1:04formed of charges, Defendant states that he will retain counsel, Government moves for detention, Cas continued for Probable Cause & Detention, Dft remanded to the custody of the US Marshal. (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/02/2004)

06/30/2004	18	Judge Charles B. Swartwood : ORDER OF TEMPORARY DETENTION as to Carlos Espinola ; Detention Hearing set for 7/2/2004 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/02/2004)
07/02/2004	3	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Carlos Espinola, Joseph Baldassano, Matthew Cream, Jason Matthews held on 7/2/2004, Preliminary Examination as to Carlos Espinola, Joseph B[1:04aldassano. Matthew Cream. Jason Matthews held on 7/2/2004. Case called, Counsel (Tobin, Pelgro, Zorrola, Weinstein, Entine, Keane) & Defendants appear, Counsel request continuance, Case continued. Dfts' remanded to the custody of the US Marshal[1:04. (2:49 P.) (Roland, Lisa)[1:04-mj-01809-CBS] (Entered: 07/06/2004)
07/09/2004	33	Arrest Warrant Returned Executed on 6/30/04 as to Carlos Espinola. (Hassett, Kathy)[1:04-mj-01809-CBS] (Entered: 07/13/2004)
07/12/2004	3	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Case called, Government calls Special Agent Steven Story, Cross, Government rests, Defendant's rest. Court finds probable cause as to Mr. Baldassano, detentio[1:04n argued as to Baldassano. Mr. Cream stipulates as to probable cause. Government and Mr. Cream's counsel argue detention. Government and Mr. Espinola's counsel argue PC, Mr. Espinola's detention continued until 7/13/04 at 3:15. Court f[1:04inds probable cause as to Mr. Matthews, counsel argues detention. Mr Baldassano and Mr. Cream matters as to detention taken under advisement. Mr. Matthews probable cause taken under advisement and released on conditions.Detention Hearing as to Carlos[1:04 Espinola, Joseph Baldassano, Matthew Cream, Jason Matthews held on 7/12/2004, Preliminary Examination as to Carlos Espinola, Joseph Baldassano, Matthew Cream, Jason Matthews held on 7/12/2004 (Tape #11:10, 1:59, 3:59.) (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/13/2004)
07/12/2004	34	EXHIBIT/WITNESS LIST by Carlos Espinola, Joseph Baldassano, Matthew Cream, Jason Matthews (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/13/2004)
07/12/2004	37	NOTICE OF ATTORNEY APPEARANCE: Bradford E Keene appearing for Carlos Espinola (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/13/2004)
07/13/2004	3	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Counsel appear (Tobin Keene) for continuation of detention hearing, counsel argue, matter taken under advisement.Detention Hearing as to Carlos Espinola held on 7[1:04/13/2004 (Tape #3:45.) (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/13/2004)
07/14/2004	3	Notice of correction to docket made by Court staff. Correction: Document # 26 deleted because: duplicate entry (#19) as to Jonathan Mitchell. (Hassett, Kathy)[1:04-mj-01809-CBS] (Entered: 07/14/2004)
07/15/2004	3	Attorney update in case as to Carlos Espinola, Jose Melo, Joseph

		Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente. Attorn[1:04ey David G. Tobin for USA: added. (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/15/2004)
07/16/2004	<u>54</u>	Judge Charles B. Swartwood : ORDER entered Memorandum of Probable Cause and ORDER OF DETENTION as to Carlos Espinola, Joseph Baldassano, Matthew Cream, Jason Matthews. ORDER ON PROBABLE CAUSE as to Carlos Espinola, Joseph Baldassano, Matthew Cream. [1:04Jason Matthews. (cc/cl) (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 07/16/2004)
08/02/2004	<u>73</u>	NOTICE OF ATTORNEY APPEARANCE Michael J. Pelgro appearing for USA, c/s. (Jones, Sherry)[1:04-mj-01809-CBS] (Entered: 08/02/2004)
09/22/2004	<u>90</u>	INDICTMENT as to Carlos Espinola (1) count(s) 1, Jose Melo (2) count(s) 1, 16-17, Joseph Baldassano (3) count(s) 1, 5, 6, 16-17, Matthew Cream (4) count(s) 1, 10, 11, Jason Matthews (5) count(s) 1, Joseph Allen (6) count(s) 1, 16, Keith Behsman (7) count(s) 1, 2, 3, 4-5, 6, 7-8, 10, Jonathan Mitchell (8) count(s) 1, 5, 7, James Gardner (9) count(s) 1, 8, Philip Albert Jr. (10) count(s) 1, 4, Jared Knowlton (11) count(s) 1, 6, Archibald Macleod (12) count(s) 1, 9, 13-15, Giuseppe Torrente (13) count(s) 1, 11, 12. (Attachments: # 1) (Gawlik, Cathy) (Entered: 09/22/2004)
09/22/2004		Judge Nancy Gertner : ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: pretrial proceedings as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente (Gawlik, Cathy) (Entered: 09/22/2004)
09/23/2004	<u>130</u>	MOTION to Dismiss Complaint as to Carlos Espinola , c/s. (Roland, Lisa) (Entered: 12/09/2004)
09/23/2004	<u>131</u>	MEMORANDUM Of Law in Support by Carlos Espinola re <u>130</u> MOTION to Dismiss, c/s. (Roland, Lisa) (Entered: 12/09/2004)
09/28/2004	<u>93</u>	NOTICE OF HEARING as to Carlos Espinola, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jared Knowlton ; Arraignment set for 10/4/2004 10:00 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. Arraignment for Jonathan Mitchell set for 10/4/2004 @ 11:30 am, cc/cl.(Roland, Lisa) Additional attachment(s) added on 9/29/2004 (Roland, Lisa). (Entered: 09/28/2004)
10/04/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Carlos Espinola (1) Count 1 and Jared Knowlton (11) Count 1,6 and Jason Matthews (5) Count 1 and Joseph Allen (6) Count 1,16 held on 10/4/2004, Case called, Counsel (Tobin, Keene, Welsh, Sultan, Natola), PTS Picozzi, & defendants appear,








		Defendants informed of rights, charges and maximum penalties. Not Guilty Plea entered by Dft Espinola on Count 1. Not Guilty Plea entered by Dft Matthews on Count 1, Not Guilty Plea entered by Dft Allen on Counts 1 & 16. Not Guilty Plea entered by Jared Knowlton on counts 1 & 6, Scheduling Order issued, Dft Espinola & Dft Matthews remanded to the custody of US Marshal. (10:26 A.) (Roland, Lisa) (Entered: 10/04/2004)
10/04/2004	<u>98</u>	NOTICE OF HEARING as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Status Conference set for 11/15/2004 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 10/05/2004)
10/04/2004	<u>99</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Time excluded from October 4, 1004 until October 18, 2004, cc/cl. (Roland, Lisa) (Entered: 10/05/2004)
10/04/2004	<u>100</u>	Judge Charles B. Swartwood : SCHEDULING ORDER as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente, cc/cl. (Roland, Lisa) (Entered: 10/05/2004)
10/21/2004	<u>112</u>	MOTION to Revoke Detention Order as to Carlos Espinola . (Attachments: # Part 2)(Filo, Jennifer) Additional attachment(s) added on 10/27/2004 (Filo, Jennifer). (Entered: 10/25/2004)
10/21/2004	<u>113</u>	MOTION to Dismiss Indictment with Prejudice as to Carlos Espinola . (Filo, Jennifer) Additional attachment(s) added on 10/27/2004 (Filo, Jennifer). (Entered: 10/25/2004)
10/21/2004	<u>117</u>	MEMORANDUM OF LAW in Support by Carlos Espinola re <u>112</u> MOTION to Revoke Detention Order (Attachments: # <u>1</u> Exhibit A)(Filo, Jennifer) (Entered: 10/27/2004)
10/21/2004	<u>118</u>	MEMORANDUM OF LAW in Support by Carlos Espinola re <u>113</u> MOTION to Dismiss Indictment with Prejudice (Filo, Jennifer) (Entered: 10/27/2004)
10/25/2004	<u>115</u>	Judge Nancy Gertner : ORDER entered ORDER OF RECUSAL in case as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente (Filo, Jennifer) (Entered: 10/26/2004)
10/26/2004	<u>116</u>	Judge Nancy Gertner : ORDER entered NOTICE REASSIGNING CASE/DEFENDANT as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith












		Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente Case reassigned to Judge Rya W. Zobel for all further proceedings. Judge Nancy Gertner no longer assigned to case Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Filo, Jennifer) (Entered: 10/26/2004)
11/04/2004	<u>120</u>	BILL OF PARTICULARS as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente, c/s. (Roland, Lisa) (Entered: 11/05/2004)
11/05/2004	<u>120</u>	Notice of correction to docket made by Court staff. Correction: #120 Motion for Bill of Particulars (Pleading has NG as Judge, should be RWZ) as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente (Johnson, Jay) (Entered: 11/05/2004)
11/15/2004	<u>120</u>	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente held on 11/15/2004. Case called, Counsel (Tobin, Keene, Welsh, Sultan, O'Reilly, Beauparlant, Natola) appear by telephone, Atty Linson & Salinas appear in person, Counsel request additional time, Case continued, Time to be excluded. (2:38, 3:03.) (Roland, Lisa) (Entered: 11/15/2004)
11/17/2004	<u>124</u>	Judge Charles B. Swartwood : STATUS REPORT as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Status Conference set for 1/27/2005 02:00 PM in BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood. ALL COUNSEL MUST APPEAR IN PERSON, cc/cl. (Roland, Lisa) (Entered: 11/18/2004)
11/17/2004	<u>125</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert Jr., Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Time excluded from October 18, 2004 until January 27, 2005, cc/cl. (Roland, Lisa) (Entered: 11/18/2004)
11/22/2004	<u>126</u>	Opposition by USA as to Carlos Espinola re <u>113</u> MOTION to Dismiss (Tobin, David) (Entered: 11/22/2004)
12/08/2004	<u>132</u>	Judge Charles B. Swartwood : ORDER entered denying <u>130</u> (# 91 in Mag Case) Motion to Dismiss as to Carlos Espinola (1); denying <u>87</u> Motion to Dismiss as to Joseph Allen (6), cc/cl. (Roland, Lisa) (Entered: 12/09/2004)
12/17/2004	<u>132</u>	NOTICE OF HEARING ON MOTION as to Carlos Espinola, Jose Melo,













		Joseph Baldassano Motion Hearing set for 12/20/2004 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/17/2004)
12/20/2004	●	electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Motion Hearing as to Carlos Espinola, Jose Melo, Joseph Baldassano held on 12/20/2004 re <u>112</u> MOTION to Revoke filed by Carlos Espinola, <u>121</u> MOTION for Release from Custody MOTION to Revoke filed by Jose Melo, <u>123</u> MOTION to Revoke <i>Order of Detention</i> filed by Joseph Baldassano. All defendants released from custody on conditions: (Court Reporter Romanow.) (Urso, Lisa) (Entered: 12/20/2004)
12/20/2004	●	Judge Rya W. Zobel : electronic ORDER entered granting <u>112</u> Motion to Revoke as to Carlos Espinola (1); granting <u>121</u> Motion for Release from Custody as to Jose Melo (2); granting <u>121</u> Motion to Revoke as to Jose Melo (2); granting <u>123</u> Motion to Revoke as to Joseph Baldassano (3) (Urso, Lisa) (Entered: 12/20/2004)
12/20/2004	●	Bond Set/Reset as to Carlos Espinola (1) 50,000 unsecured. (Urso, Lisa) (Entered: 12/20/2004)
12/20/2004	● <u>136</u>	Judge Rya W. Zobel : ORDER entered ORDER Setting Conditions of Release as to Carlos Espinola (1) 50,000 unsecured (Urso, Lisa) (Entered: 12/20/2004)
01/03/2005	●	Judge Rya W. Zobel : endorsedORDER entered denying <u>113</u> Motion to Dismiss as to Carlos Espinola (1). The time between arrest and indictment that was not excluded, does not exceed the statutory maximum. (Urso, Lisa) (Entered: 01/04/2005)
01/27/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente held on 1/27/2005. Case called, Counsel (Pelgro, Tobin, Keene, Neiman, Weinstein, Linson, Sultan, Bourbeau, Sweeney, Natola, Beauparlant) appear, Counsel request additional time, Case continued, Time to be excluded. (2:13 P.) (Roland, Lisa) (Entered: 01/27/2005)
01/31/2005	● <u>145</u>	Judge Charles B. Swartwood : STATUS REPORT as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Status Conference set for 4/13/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. Dft Keith Behsman to be returned to the District Judge. cc/cl (Roland, Lisa) (Entered: 02/02/2005)
01/31/2005	● <u>146</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe

		Torrente: Time excluded from January 27, 2005 until March 18, 2005, cc/cl. (Roland, Lisa) (Entered: 02/02/2005)
02/11/2005	<u>152</u>	Judge Charles B. Swartwood : ORDER entered as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente, cc/cl. (Roland, Lisa) (Entered: 02/11/2005)
02/17/2005	<u>155</u>	Letter (non-motion) regarding Discovery as to Carlos Espinola (Hassett, Kathy) (Entered: 02/17/2005)
02/18/2005	<u>156</u>	MOTION for leave to join in motion of co-defendant McLeod to strike surplusage from Indictment as to Carlos Espinola, c/s. (Jones, Sherry) (Entered: 02/18/2005)
02/23/2005	<u>162</u>	Letter (non-motion) regarding Discovery as to Carlos Espinola (Tobin, David) (Entered: 02/23/2005)
02/24/2005	<u>165</u>	MOTION for Joinder in Motion of Co-Defendant McLeod to Strike Surplusage from Indictment as to Mathew Cream. (Johnson, Jay) Modified on 3/2/2005 (Johnson, Jay). (Entered: 03/01/2005)
03/03/2005		Judge Rya W. Zobel : endorsed ORDER entered granting <u>165</u> Motion for Joinder as to Carlos Espinola (1) (Urso, Lisa) (Entered: 03/03/2005)
03/08/2005	<u>172</u>	(Ex-Parte) SEALED MOTION as to Carlos Espinolaby USA. (Johnson, Jay) (Entered: 03/08/2005)
03/11/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>156</u> Motion for leave to Join in Motion as to Carlos Espinola (1); granting <u>157</u> Motion for leave to Join in Motion as to Matthew Cream (4); granting <u>158</u> Motion for leave to Join in Motion as to Philip Albert Jr. (10); granting <u>176</u> Motion for leave to Join in Motion as to Giuseppe Torrente (13). "Motions to Join ALLOWED." cc/cl (Roland, Lisa) (Entered: 03/11/2005)
04/11/2005	<u>188</u>	RESPONSE to Motion by USA as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente re <u>149</u> MOTION to Strike <i>SURPLUSAGE FROM INDICTMENT</i> , <u>157</u> MOTION for Leave to Join in Co-Defendant MacLeod's Motion to Strike Surplusage from Indictment, <u>158</u> MOTION for leave to join in motion of co-defendant McLeod to strike surplusage from the indictment, <u>161</u> MOTION to Strike, <u>153</u> MOTION for Joinder, <u>165</u> MOTION for Joinder, <u>176</u> MOTION for Joinder, <u>175</u> MOTION for Leave to File <i>Motion for Leave to Join Co-Defendants' Motions to Strike Surplusage from Indictment</i> (Tobin, David) (Entered: 04/11/2005)
04/13/2005	<u>189</u>	JOINT MOTION for Discovery as to Carlos Espinola, Joseph Allen, James Gardner, Philip Albert, Jr, Jared Knowlton, c/s.. (Jones, Sherry) (Entered: 04/13/2005)

04/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente held on 4/13/2005. Case called, Counsel (Tobin, Keane, Linson, Welsh, Sultan, Sullivan, Beauparlant, Salinas) appear, Discovery motion filed, All defendants who want to join must file a motion, Counsel request additional time, Case continued, Time to be excluded. (2:28 P.) (Roland, Lisa) (Entered: 04/15/2005)
04/13/2005	●191	Judge Charles B. Swartwood : STATUS REPORT as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Status Conference set for 6/21/2005 11:00 AM IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 04/15/2005)
04/13/2005	●192	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente; Time excluded from March 18, 2005 until May 19, 2005, cc/cl. (Roland, Lisa) (Entered: 04/15/2005)
04/15/2005	●	Set Deadlines re Motion or Report and Recommendation in case as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente <u>189</u> MOTION for Discovery. Motion Hearing set for 5/19/2005 11:00 AM, IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 04/15/2005)
05/03/2005	●203	RESPONSE to Motion by USA as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente re <u>189</u> MOTION for Discovery (Tobin, David) (Entered: 05/03/2005)
05/11/2005	●	NOTICE OF HEARING ON MOTION as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente: Motion Hearing set for 5/19/2005 11:00 AM, IN WORCESTER, Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 05/11/2005)
05/19/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Motion Hearing as to Carlos Espinola, Jose Melo, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod held on

		5/19/2005 re 189 MOTION for Discovery filed by Jared Knowlton. Case called. Counsel (Tobin, Salinas, Sultan, Witkin, Natola, Welsh, Keene, Beauparlant) appear. The Court hears arguments on motion. Matter taken under advisement. Order to issue. (11:35 A.) (Roland, Lisa) (Entered: 06/02/2005)
06/02/2005	 210	Judge Charles B. Swartwood : ORDER entered granting in part and denying in part 189 Motion for Discovery as to Carlos Espinola (1), Joseph Allen (6), James Gardner (9), Philip Albert Jr. (10), Jared Knowlton (11), cc/cl. (Roland, Lisa) (Entered: 06/02/2005)
06/21/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod held on 6/21/2005. Case called, Counsel (Tobin, Keene, Weinstein, Linson, Welsh, Mangan, Sweeney, Beauparlant, Selinas, Natola, Witkin) appear, Case to be sent back to the District Judge, Time to be excluded, Final Status report to issue. (11:17 A.) (Roland, Lisa) (Entered: 06/21/2005)
06/22/2005	 217	Judge Charles B. Swartwood : FINAL STATUS REPORT as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
06/22/2005	 218	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod; Time excluded from May 19, 2005 until June 21, 2005, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
06/24/2005		Case as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente no longer referred to Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 06/24/2005)
08/01/2005		NOTICE OF HEARING as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod Status Conference set for 8/11/2005 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 08/01/2005)
08/01/2005		NOTICE OF RESCHEDULING as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod Status Conference RESET for 8/17/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 08/01/2005)

08/02/2005	 224	MOTION to Exclude <i>Time</i> as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente by USA. (Tobin, David) (Entered: 08/02/2005)
08/17/2005		Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Status Conference as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod held on 8/17/2005. Parties to let court know about their defendants; (Urso, Lisa) (Entered: 08/23/2005)
09/07/2005	 237	MOTION to Exclude <i>Time</i> as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente by USA. (Tobin, David) (Entered: 09/07/2005)
09/19/2005	 240	MOTION Defendant's Motion For Pre Plea Probation Sentencing Report as to Archibald MacLeod as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente by Archibald Macleod. (Witkin, Roger) (Entered: 09/19/2005)
11/29/2005		Judge Rya W. Zobel : endorsed ORDER entered granting 237 Motion to Exclude as to Carlos Espinola (1), Jose Melo (2), Joseph Baldassano (3), Matthew Cream (4), Jason Matthews (5), Joseph Allen (6), Keith Behsman (7), Jonathan Mitchell (8), James Gardner (9), Philip Albert Jr. (10), Jared Knowlton (11), Archibald Macleod (12), Giuseppe Torrente (13) (Urso, Lisa) (Entered: 11/29/2005)
03/22/2006	 288	NOTICE OF ATTORNEY APPEARANCE Michael J. Pelgro appearing for USA. (Pelgro, Michael) (Entered: 03/22/2006)
03/22/2006	 289	NOTICE of Intent To Introduce Into Evidence Particular Audio And Video Recordings as to Carlos Espinola, Joseph Allen by USA. (Pelgro, Michael) Modified on 3/23/2006 (Johnson, Jay). (Entered: 03/22/2006)
03/23/2006		Notice of correction to docket made by Court staff. Correction: 289 Motion for Disclosure corrected because: WRONG EVENT the pleading is a Notice not a motion, there is a notice event on the menu report. E-mail sent describing the fix. (Johnson, Jay) (Entered: 03/23/2006)
03/23/2006		Motions terminated as to Carlos Espinola, Joseph Allen: 289 MOTION for Disclosure filed by USA,. (Johnson, Jay) (Entered: 03/23/2006)
03/23/2006		NOTICE OF HEARING as to Carlos Espinola, Joseph Baldassano, Joseph Allen Pretrial Conference set for 3/28/2006 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 03/23/2006)
03/27/2006	 296	Government's Ex Parte MOTION as to Carlos Espinolaby USA. (Urso,

		Lisa) (Entered: 03/28/2006)
03/28/2006		Judge Rya W. Zobel : endorsedORDER entered granting 296 Motion to Appoint Counsel as to Carlos Espinola (1) (Urso, Lisa) (Entered: 03/28/2006)
03/28/2006	 297	SEALED MOTION as to Carlos Espinola et al. (Johnson, Jay) (Entered: 03/29/2006)
03/28/2006		Judge Rya W. Zobel : Electronic ORDER entered. ELECTRONIC ENDORSEMENT as to Carlos Espinola: #296 Ex-Parte Motion (Johnson, Jay) (Entered: 04/03/2006)
03/30/2006		NOTICE OF RESCHEDULING as to Carlos Espinola, Joseph Baldassano, Joseph Allen Jury Trial reset for 5/8/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 03/30/2006)
03/30/2006		Judge Rya W. Zobel : endorsedORDER entered granting 297 Sealed Motion as to Carlos Espinola (1) (Urso, Lisa) (Entered: 03/31/2006)
04/04/2006	 305	MOTION to Unseal Document <i>Complaint and Affidavit</i> as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrenteby USA. (Tobin, David) (Entered: 04/04/2006)
04/04/2006	 306	MOTION to Exclude <i>The Period From September 22, 2004 To And Including July 12, 2006 From The Time Within Which This Case Must Be Tried Under The Speedy Trial Act</i> as to Carlos Espinola, Joseph Allenby USA. (Pelgro, Michael) (Entered: 04/04/2006)
04/05/2006	 307	MOTION to Withdraw Document <i>Motion to Unseal</i> as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrenteby USA. (Tobin, David) (Entered: 04/05/2006)
04/10/2006		Judge Rya W. Zobel : endorsedORDER entered granting 306 Motion to Exclude as to Carlos Espinola (1), Joseph Allen (6) (Urso, Lisa) (Entered: 04/10/2006)
04/12/2006	 310	SEALED MOTION as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Matthews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrenteby USA. (Sonnenberg, Elizabeth) (Entered: 04/12/2006)
04/13/2006		Judge Rya W. Zobel : endorsedORDER entered denying 310 Sealed Motion as to Carlos Espinola (1), Joseph Allen (6) (Urso, Lisa) (Entered: 04/14/2006)
05/01/2006		NOTICE OF HEARING as to Carlos Espinola, Joseph Allen Pretrial Conference set for 5/3/2006 02:00 PM in Courtroom 12 before Judge

		Rya W. Zobel. (Urso, Lisa) (Entered: 05/01/2006)
05/01/2006	<u>332</u>	EXHIBIT/WITNESS LIST by USA as to Carlos Espinola. Joseph Allen (Tobin, David) (Entered: 05/01/2006)
05/01/2006	<u>333</u>	EXHIBIT/WITNESS LIST by USA as to Carlos Espinola, Joseph Allen (Tobin, David) (Entered: 05/01/2006)
05/02/2006		Notice of correction to docket made by Court staff. Correction: #332 and 333 Exhibit/Witness List corrected because: Attorney who files the document must sign the document as to Carlos Espinola, Joseph Allen. E-mail sent describing the fix. (Johnson, Jay) (Entered: 05/02/2006)
05/02/2006	<u>335</u>	MOTION in Limine <i>Concerning Admissibility Of Evidence Of Defendant Carlos Espinola's Possession Of A Handgun</i> as to Carlos Espinola, Joseph Allen by USA. (Pelgro, Michael) (Entered: 05/02/2006)
05/02/2006	<u>336</u>	First MOTION in Limine <i>to exclude defense expert witness</i> as to Carlos Espinola, Joseph Allen by USA. (Tobin, David) (Entered: 05/02/2006)
05/02/2006	<u>337</u>	MOTION in Limine <i>to allow certain government evidence</i> as to Carlos Espinola, Joseph Allen by USA. (Tobin, David) (Entered: 05/02/2006)
05/02/2006	<u>338</u>	MOTION in Limine <i>to exclude reference to pleas</i> as to Carlos Espinola, Joseph Allen by USA. (Tobin, David) (Entered: 05/02/2006)
05/03/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Pretrial Conference as to Carlos Espinola, Joseph Allen held on 5/3/2006; 2 weeks for trial; finish by 5/26/06; 12 jurors & 2 alternates; (Urso, Lisa) (Entered: 05/03/2006)
05/04/2006	<u>344</u>	EXHIBIT/WITNESS LIST by USA as to Carlos Espinola, Joseph Allen (Pelgro, Michael) (Entered: 05/04/2006)
05/05/2006	<u>346</u>	Proposed Voir Dire by USA as to Carlos Espinola, Joseph Allen (Pelgro, Michael) (Entered: 05/05/2006)
05/05/2006	<u>348</u>	MOTION for voir dire of prospective jurors as to Carlos Espinola. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	<u>349</u>	EX-PARTE SEALED MOTION as to Carlos Espinola et al by USA. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	<u>350</u>	SECOND EX_PARTE SEALED MOTION as to Carlos Espinolaby USA. (Johnson, Jay) (Entered: 05/05/2006)
05/07/2006	<u>353</u>	EXHIBIT/WITNESS LIST by USA as to Carlos Espinola, Joseph Allen (Pelgro, Michael) (Entered: 05/07/2006)
05/08/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Voir Dire begun on 5/8/2006 Joseph Allen (6) on Count 1,16 and Carlos Espinola (1) on Count 1; Jury trial day one; jury of 14 selected; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/09/2006)
05/09/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W.

		Zobel :Jury Trial Day 2 as to Carlos Espinola, Joseph Allen held on 5/9/2006; Jury of 14 sworn; Goverment's opening; defendants(#1) opening; then #6 opening; Goverment witness #1 Maurice Aguilan; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/09/2006)
05/10/2006	3	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial day 3 as to Carlos Espinola, Joseph Allen held on 5/10/2006;Continued direct of Aguilar; cross Keene: cross Sultan: redirect Tobin; Witness Paul Karamourtopoulos: direct Tobin; cross Keene; cross Sultan; redirect Tobin; recross Keene; witness Amauris Calcano; direct Tobin; cross Keene: cross Sultan; redirect Tobin; witness Kevin Sawyer; direct Pelgro; cross Keene; cross Sultan; redirect Pelgro; witness Timothy Desmond; direct Peldro; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/12/2006)
05/11/2006	3	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 4 as to Carlos Espinola, Joseph Allen held on 5/11/2006; continued direct of Desmond by Pelgro; cross Keene: (no cross Sultan); redirect Pelgro; recross Keene; witness Joseph Baldassano; direct Pelgro; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/12/2006)
05/11/2006	361	Judge Rya W. Zobel : SEALED ORDER entered. as to Carlos Espinola, Joseph Allen (Urso, Lisa) (Entered: 05/15/2006)
05/12/2006	356	TRANSCRIPT of Jury Trial Day Four as to Carlos Espinola, Joseph Allen held on May 11, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/12/2006)
05/12/2006	3	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 5 as to Carlos Espinola, Joseph Allen held on 5/12/2006; continued direct of Baldassano of Pelgro; cross by Keene; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/16/2006)
05/15/2006	3	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 6 as to Carlos Espinola, Joseph Allen held on 5/15/2006; Baldassano continued cross by Keene of Baldassano; cross by Sultan; redirect of Pelgro; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/16/2006)
05/16/2006	3	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 7 as to Carlos Espinola, Joseph Allen held on 5/16/2006; Goverment witness #7 Michelle Danicki; direct of Tobin; cross of Keene; rediect of Tobin; Baldassano continued redirect of Pelgro; recross of Keene' recross of Sultan; Goverment witness #8 Richard Lane; direct of Tobin; cross Sultan; redirect of Tobin; Goverment witness #9 Jeffrey King; direct of Tobin; cross of Sultan; redirect of Tobin; witness #10 Smantha O'Brien; direct of Pelgro; cross of Sultan; redirect of Pelgro; witness #11 Tom Prendergast; direct of

		Tobin; cross of Keene; cross of Sultan; redirect of Tobin: (Court Reporter Lee Marzelli.) (Urso, Lisa) (Entered: 05/16/2006)
05/17/2006	369	Proposed Jury Instructions by USA as to Carlos Espinola, Joseph Allen (Pelgro, Michael) (Entered: 05/17/2006)
05/17/2006	370	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 8 as to Carlos Espinola, Joseph Allen held on 5/17/2006; Goverment witness #12 Steven Aph; direct by Tobin; cross of Keene; redirect of Tobin; recross of Keene; witness #13 Ryan Caverly; direct of Tobin; cross of Keene; redirect of Tobin; recross of Keene; witness #14 Kevin Teixeira; direct of Pelgro; cross of Keene; cross; of Sultan; redirect of Pelgro; witness #15 Olen Colehi; direct of Tobin; (Court Reporter Lee Marzilli.) (Urso, Lisa) (Entered: 05/18/2006)
05/18/2006	371	Requests for Jury Instructions as to Carlos Espinola (Urso, Lisa) (Entered: 05/18/2006)
05/18/2006	372	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 9 as to Carlos Espinola, Joseph Allen held on 5/18/2006; Glen Colehi continued direct of Tobin; cross of Keene; cross of Sultan; redirect of Tobin; witness #16 Danny Genese; direct of Pelgro; cross of Keene; cross of Sultan; redirect of Pelgro; recross of Keene; witness #17 James Marr; direct of Pelgro; cross of Keene; cross of Sultan; redirect of Pelgro; witness #18 Richard Guerard; direct of Pelgro; cross of Keene; cross of Sultan; witness #19 Robert Tibert; direct of Tobin; cross of Sultan; witness #20 Joseph Grondin; direct of Tobin; cross of Keene; redirect of Tobin; recross of Keene; witness #21 Roger Godino; direct of Tobin; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/18/2006)
05/19/2006	374	TRANSCRIPT of Jury Trial - Day Seven as to Carlos Espinola, Joseph Allen held on May 16, 2006 before Judge Zobel. Court Reporter: Lee A. Marzilli. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/345-6787 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/19/2006)
05/19/2006	375	TRANSCRIPT of Jury Trial - Day Eight as to Carlos Espinola, Joseph Allen held on 5/17/06 before Judge Zobel. Court Reporter: Lee Marzilli. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/345-6787 or the Clerk's Office. (Scalfani, Deborah) Modified on 9/20/2006 (Scalfani, Deborah). (Entered: 05/19/2006)
05/19/2006	376	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day ten as to Carlos Espinola, Joseph Allen held on 5/19/2006; jury charge at 8:30 a.m.; Goverment rests; Sultan files Rule 29 motion; Keene rests; Sultan puts in documentary evidence; Sultan rests; Sultan files 2nd Rule 29 motion; Govment closing by Tobin; Espinola closing by Keene; Allen closing by Sultan; Goverment rebuttal by Tobin; Jury charge 1:00 p.m.; Jury leaves at 4:00 p.m. (Court Reporter

		Catherine Handel.) (Urso, Lisa) (Entered: 05/22/2006)
05/22/2006	<u>381</u>	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Jury Trial Day 11 as to Carlos Espinola, Joseph Allen held on 5/22/2006; question at 12:45: Jury verdict 2:10 p.m.; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/22/2006)
05/22/2006	<u>382</u>	JURY VERDICT as to Carlos Espinola (1) Guilty on Count 1. (Urso, Lisa) (Entered: 05/23/2006)
05/22/2006	<u>382</u>	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Carlos Espinola Sentencing set for 8/15/2006 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 05/23/2006)
05/23/2006	<u>377</u>	TRANSCRIPT of Jury Trial Day Five as to Carlos Espinola, Joseph Allen held on May 12, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/23/2006)
07/03/2006	<u>401</u>	Notice of Intent to Use Transcript of Joseph Baldassano's Trial Testimony as to Carlos Espinola, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr by USA. (Tobin, David) Modified on 7/5/2006 (Johnson, Jay). (Entered: 07/03/2006)
07/05/2006		Notice of correction to docket made by Court staff. Correction: #401 "Motion in Limine" corrected because: Wrong Event as to Carlos Espinola, Joseph Baldassano, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr. Pleading should have been filed as a notice (other). E-mail sent describing the fix. (Johnson, Jay) (Entered: 07/05/2006)
07/05/2006		Motions terminated as to Carlos Espinola, Joseph Baldassano, Joseph Allen, Jonathan Mitchell, James Gardner, Philip Albert, Jr: <u>401</u> MOTION in Limine filed by USA,. (Johnson, Jay) (Entered: 07/05/2006)
08/01/2006	<u>417</u>	MOTION to Reduce Sentence (<i>Downward Departure</i>) as to Carlos Espinola. (Keene, Bradford) (Entered: 08/01/2006)
08/11/2006	<u>419</u>	SENTENCING MEMORANDUM by USA as to Carlos Espinola (Tobin, David) (Entered: 08/11/2006)
08/14/2006	<u>420</u>	SUPPLEMENTAL SENTENCING MEMORANDUM by USA as to Carlos Espinola, Jose Melo, Joseph Baldassano, Matthew Cream, Jason Mathews, Joseph Allen, Keith Behsman, Jonathan Mitchell, James Gardner, Philip Albert, Jr, Jared Knowlton, Archibald Macleod, Giuseppe Torrente (Attachments: # 1)(Tobin, David) Modified on 8/15/2006 (Johnson, Jay). (Entered: 08/14/2006)
08/15/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel :Sentencing held on 8/15/2006 for Carlos Espinola (1), Count(s) 1, The defendant was sentenced to 148 months BOP; 3 Years SR; SA

		\$100.00; no fine; Standard Conditions; no firearms; submit DNA; SC; drug testing & counseling; mental health treatment; Recommendations: Allenwood; and the 500 Hour Drug Treatment Program;. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 08/16/2006)
08/15/2006	<u>422</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT as to Carlos Espinola (1), Count(s) 1. The defendant was sentenced to 148 months BOP; 3 Years SR; SA \$100.00; no fine; Standard Conditions; no firearms; submit DNA; SC; drug testing & counseling; mental health treatment; Recommendations: Allenwood; and the 500 Hour Drug Treatment Program; (Urso, Lisa) (Entered: 08/17/2006)
08/23/2006	<u>427</u>	NOTICE OF APPEAL by Carlos Espinola re 422 Judgment,. Filing fee \$ 455. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/12/2006. (Johnson, Jay) (Entered: 08/24/2006)
08/24/2006	<u>428</u>	TRANSCRIPT of Sentencing Hearing as to Carlos Espinola held on August 15, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 08/24/2006)
09/11/2006	<u>437</u>	TRANSCRIPT ORDER FORM by Carlos Espinola for proceedings held on 5/8 5/9 5/19 5/17 8/15 06 before Judge Zobel, (Johnson, Jay) (Entered: 09/12/2006)
09/14/2006	<u>439</u>	Certified and Transmitted Record on Appeal as to Carlos Espinola to US Court of Appeals re 427 Notice of Appeal, (Attachments: # 1)(Ramos, Jeanette) (Entered: 09/14/2006)
09/20/2006	<u>4</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Catherine Handel as to Carlos Espinola' Transcript order form filed in USCA on 9/19/06. Transcripts ordered: Trial 5/8-5/10/2006, 5/15/06, 5/18/06, 5/19/06, 5/22/06 due by 11/20/2006. (Scalfani, Deborah) (Entered: 09/20/2006)
09/20/2006	<u>442</u>	Transmitted Supplemental Record on Appeal as to Carlos Espinola re 427 Notice of Appeal, Documents included: 356, 374, 375, 377 (Scalfani, Deborah) (Entered: 09/20/2006)
09/25/2006	<u>443</u>	USCA Case Number as to Carlos Espinola 06-2340 for 427 Notice of Appeal, filed by Carlos Espinola,. (Ramos, Jeanette) (Entered: 09/25/2006)
09/29/2006	<u>446</u>	First MOTION for Medical Treatment as to Carlos Espinola. (Keene, Bradford) (Entered: 09/29/2006)
10/04/2006	<u>447</u>	TRANSCRIPT of Jury Trial Day Two as to Carlos Espinola, Joseph Allen held on May 9, 2006 before Judge Zobel. Court Reporter:

		Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/04/2006)
10/04/2006	<u>448</u>	TRANSCRIPT of Jury Trial Day Six as to Carlos Espinola, Joseph Allen held on May 15, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/04/2006)
10/04/2006	<u>449</u>	Transmitted Supplemental Record on Appeal as to Carlos Espinola re <u>427</u> Notice of Appeal, Documents included: 447-448 (Scalfani, Deborah) (Entered: 10/04/2006)
10/06/2006	<u>450</u>	TRANSCRIPT of Jury Trial Day Nine as to Carlos Espinola, Joseph Allen held on May 18, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/10/2006)
10/10/2006	<u>451</u>	Transmitted Supplemental Record on Appeal as to Carlos Espinola, Joseph Allen re <u>427</u> Notice of Appeal, Documents included: 450 (Scalfani, Deborah) (Entered: 10/10/2006)
10/23/2006	<u>453</u>	TRANSCRIPT of Jury Trial Day One as to Carlos Espinola, Joseph Allen held on May 8, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/23/2006)
10/23/2006	<u>454</u>	Transmitted Supplemental Record on Appeal as to Carlos Espinola, Joseph Allen re <u>427</u> Notice of Appeal, Documents included: 453 (Scalfani, Deborah) (Entered: 10/23/2006)
11/14/2006	<u>458</u>	TRANSCRIPT of Jury Trial Day Three as to Carlos Espinola, Joseph Allen held on May 10, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 11/14/2006)
11/14/2006	<u>459</u>	TRANSCRIPT of Jury Trial Day Ten as to Carlos Espinola, Joseph Allen held on May 19, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 11/14/2006)
11/14/2006	<u>460</u>	TRANSCRIPT of Jury Question as to Carlos Espinola, Joseph Allen held

		on May 22, 2006 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 11/14/2006)
11/14/2006	<u>461</u>	Transmitted Supplemental Record on Appeal as to Carlos Espinola, Joseph Allen re <u>435</u> Notice of Appeal, <u>427</u> Notice of Appeal, Documents included: 458-460 (Scalfani, Deborah) (Entered: 11/14/2006)
11/20/2006	<u>463</u>	Judgment Returned Executed as to Carlos Espinola on 10/12/06. (Johnson, Jay) (Entered: 11/20/2006)
10/19/2007	<u>469</u>	MANDATE of USCA (certified copy) as to Carlos Espinola re <u>427</u> Notice of Appeal. This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Massachusetts. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The sentence imposed by the district court is affirmed. Mandate issued in the USCA 10/19/2007 (Ramos, Jeanette) (Entered: 10/19/2007)
10/22/2007	<u>470</u>	Appeal Record Returned as to Carlos Espinola, Joseph Allen: (Ramos, Jeanette) (Entered: 10/22/2007)
03/12/2008	<u>470</u>	ORDER of USCA (certified copy) as to Carlos Espinola re <u>427</u> Notice of Appeal. After we summarily affirmed defendant's sentence. The Supreme Court granted defendant's petition for certiorari, vacated this court's judgment, and remanded the case for reconsideration in light of GALL v. UNITED STATES, 128 S. Ct. 586 (2007), which post-dated this court's decision. See Order for further details. Order issued in the USCA 3/12/2008 (Ramos, Jeanette) (Entered: 03/12/2008)